



General Assembly

February Session, 2008

Substitute Bill No. 5864

* _____ HB05864PH_APP031708 _____ *

AN ACT CONCERNING A NURSING HOME IMPROVEMENT PLAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-351 of the general statutes is amended by
2 adding subsection (c) as follows (*Effective July 1, 2008*):

3 (NEW) (c) On or before December 31, 2008, and annually thereafter,
4 the Commissioner of Social Services, in consultation with the
5 Commissioner of Public Health, shall complete an inventory of all
6 publicly funded and private pay nursing home beds in the state. On or
7 before February 1, 2009, and annually thereafter, the Commissioner of
8 Social Services shall report to joint standing committees of the General
9 Assembly having cognizance of matters relating to human services and
10 public health on the results of the inventory, in accordance with
11 section 11-4a. The Commissioner of Social Services shall identify in
12 such report any geographic areas in the state that are in need of
13 additional nursing home beds and the number of beds needed in such
14 geographical areas. The Commissioner of Social Services shall also
15 identify any areas of the state in which there is a surplus of nursing
16 home beds.

17 Sec. 2. (NEW) (*Effective July 1, 2008*) In addition to the requirements
18 set forth in sections 17b-352 to 17b-354, inclusive, of the general
19 statutes or the 2008 supplement to the general statutes, the
20 Commissioner of Social Services, when determining whether to

21 approve a certificate of need request from a facility, as defined in
22 section 17b-352 of the 2008 supplement to the general statutes, shall
23 consider the following factors: (1) The inventory of nursing home beds
24 for the particular geographic region, (2) the age of the facility seeking
25 the certificate of need, and (3) whether the model of long-term care
26 afforded by such facility is consistent with the state's long-term care
27 plan developed pursuant to section 17b-337 of the 2008 supplement to
28 the general statutes. After considering such factors, the commissioner
29 shall grant, modify or deny the request for a certificate of need in
30 accordance with this section and said sections 17b-352 to 17b-354,
31 inclusive. The commissioner may deny a facility's request for a
32 certificate of need if the commissioner determines that the proposed
33 capital project is inconsistent with achieving the objectives of the state's
34 long-term care plan. The commissioner shall give priority to approval
35 of capital projects that: (A) Promote the development of alternative
36 models of long-term care that are consistent with the state's long-term
37 care plan, including, but not limited to, the Green House model and
38 the Small House model; and (B) increase long-term care options in
39 geographic regions of the state where there is a shortage of nursing
40 home beds.

41 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) For purposes of this
42 section:

43 (1) "Department" means the Department of Public Health;

44 (2) "Direct care" means hands-on-care provided to residents of
45 nursing homes, including, but not limited to, feeding, bathing,
46 toileting, dressing, lifting and moving such residents, but does not
47 include food preparation, housekeeping or laundry services, except
48 when such services are required to meet the needs of any such resident
49 on an individual situational basis. Direct care shall not include care
50 provided by paid feeding assistants, as defined in 42 CFR 488.301; and

51 (3) "Nursing home" has the same meaning as provided in section
52 19a-537 of the general statutes.

53 (b) On and after July 1, 2009, each nursing home licensed by the
54 department pursuant to chapter 368v of the general statutes shall, as a
55 condition of continued licensure, develop, and upon request of the
56 department, make available for inspection a nurse staffing plan that is
57 sufficient to provide adequate and appropriate delivery of health care
58 services to patients in the ensuing period of licensure. The nurse
59 staffing plan shall promote a collaborative practice in the nursing
60 home that enhances patient care and the level of services provided by
61 nurses and other members of the nursing home's patient care team.

62 (c) Each nursing home shall establish a staffing committee that shall
63 assist in the preparation of the nurse staffing plan required pursuant to
64 subsection (b) of this section. The staffing committee shall include
65 registered nurses who provide direct patient care, licensed practical
66 nurses and certified nursing assistants. Each nursing home, in
67 collaboration with its staffing committee, shall develop and implement
68 the nurse staffing plan. Such plan shall: (1) Include the minimum
69 professional skill mix for each patient care unit in the nursing home,
70 including any special care units; (2) identify the nursing home's
71 employment practices concerning the use of licensed temporary and
72 traveling nurses; (3) set forth the level of administrative staffing in
73 each patient care unit of the nursing home that ensures direct care staff
74 are not utilized for administrative functions; (4) set forth the nursing
75 home's process for internal review of the nurse staffing plan; (5)
76 identify collective bargaining agreements that the nursing home is a
77 party to and certify the nursing home's compliance with such
78 agreements; and (6) include the nursing home's mechanism of
79 obtaining input from direct care staff, including licensed nurses and
80 other members of the nursing home's patient care team, in the
81 development of a nurse staffing plan.

82 (d) Each nursing home shall employ sufficient nurses and nurse's
83 aides to provide appropriate direct care to residents of such nursing
84 home, twenty-four hours per day, seven days per week. Each nursing
85 home shall maintain aggregate licensed nurse and nurse's aide staffing

86 levels at or above the following standards:

87 (1) On and after October 1, 2008, over a twenty-four-hour period,
88 such nursing home shall provide not less than 3.5 hours of direct care
89 and services per resident provided in the aggregate by licensed nurses'
90 and nurse's aides;

91 (2) On and after January 1, 2009, over a twenty-four-hour period,
92 such nursing home shall provide not less than 3.9 hours of direct care
93 and services per resident provided in the aggregate by licensed nurses'
94 and nurse's aides; and

95 (3) On and after May 1, 2009, over a twenty-four-hour period, such
96 nursing home shall provide not less than 4.2 hours of direct care and
97 services per resident provided in the aggregate by licensed nurses' and
98 nurse's aides.

99 Sec. 4. (NEW) (*Effective July 1, 2008*) On or before January 1, 2009,
100 the Department of Social Services shall implement a state-wide pilot
101 project that will allow the department to advance payments to twenty
102 nursing homes, as defined in section 19a-537 of the general statutes,
103 certified to participate in the Medicaid program, to cover the cost of
104 care provided by facilities to residents who have applied for the
105 Medicaid program and are awaiting approval by the department. The
106 Commissioner of Social Services shall designate those facilities that
107 shall participate in the pilot program. Not later than October 1, 2008,
108 any nursing home facility that wishes to participate in the pilot
109 program shall notify the commissioner of such facility's interest in
110 participating in the program. The commissioner shall ensure that pilot
111 program participants are broadly representative of nursing home
112 facilities on a state-wide basis. In selecting pilot program participants,
113 the commissioner shall consider: (1) The financial health of the facility;
114 (2) the number of Medicaid-funded beds in the facility; (3) the total
115 number of beds at the facility; (4) the geographic location of the
116 facility; and (5) the facility's history of compliance with state law and
117 regulations. The Commissioner of Social Services may adjust the

118 reimbursement methodology for facilities participating in the pilot
119 program based on whether residents of the facility who applied for the
120 Medicaid program are approved or disapproved for Medicaid
121 program participation by the department. The pilot program shall
122 terminate on June 30, 2010.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	17b-351
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section

Section 1	<i>July 1, 2008</i>	17b-351
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section

PH

Joint Favorable Subst. C/R

APP